

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

ANTHONY JOSEPH TULINO,

Plaintiff,

v.

CASE NO. 8:21-cv-69-WFJ-TGW

LOUIS DEJOY,  
Postmaster General,  
United States Postal Service,

Defendant.

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**ORDER**

Before the Court is Plaintiff's construed motion to proceed *in forma pauperis* (Dkt. 2) and his Second Amended Complaint (Dkt. 22). The magistrate judge issued a thorough and well-reasoned report recommending the second amended complaint be dismissed with prejudice. Dkt. 38. Plaintiff timely filed objections. Dkts. 39, 40.

When a party makes timely and specific objections to the report and recommendation of the magistrate judge, the district judge shall conduct a *de novo* review of the portions of the record to which objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Jeffrey S. v. State Bd. of Educ. of State of Ga.*, 896 F.2d 507, 512 (11th Cir. 1990). After such independent review, the Court may accept, reject, or modify the magistrate judge's report and recommendation. 28


U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Macort v. Prem., Inc.*, 208 F. App'x 781, 783–84 (11th Cir. 2006) (citing published opinions).

The magistrate judge found that the amended complaint, after opportunities to replead and to respond to Defendant's motion to dismiss, fails to cure the prior deficiencies and fails to satisfy basic pleading requirements in both form and factual allegations. This Court agrees. For the reasons explained in the Report and Recommendation, and in conjunction with an independent examination of the file, the Court concludes that the Report and Recommendation (Dkt. 38) should be adopted as part of this Order, confirmed, and approved in all respects.

Accordingly, the Court rules as follows:

1. The report and recommendation (Dkt. 38) is adopted, confirmed, and approved in all respects and made a part of this Order.
2. Plaintiff's construed motion to proceed *in forma pauperis* (Dkt. 2) is denied.
3. Plaintiff's amended complaint (Dkt. 22) is dismissed with prejudice.
4. All other motions (Dkts. 26, 29, 30, 37) are denied as moot.
5. The Clerk is directed to close the case.

**DONE AND ORDERED** at Tampa, Florida, on December 15, 2021.

  
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**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**